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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CM(M) 860/2026, CM APPL. 25263/2026, CM APPL. 25264/2026
RAHUL BORAPetitioner

Through: Mr. Deepal Goel and Mr. Utsav Garg,
Advvs.

versus

RAJWINDER KAUR & ANR.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
20.04.2026

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1. The present petition has been filed to set aside the order dated 11th April 2026, passed by the MACT, whereby coercive action has been directed in the event of payment of the fee amounting to Rs. 2,000/- of the petitioner's share. Petitioner was arrayed as respondent no. 1 before the MACT in the claim petition.
2. *Mr. Deepal Goel*, counsel for petitioner, points out that on 25th August 2022, the matter was kept for recording of evidence of **PW1** and **PW2**. Petitioner herein, being respondent no.1 before the MACT, duly cross-examined the witness and the cross-examination was deferred of these two witnesses at the request of respondent no.2, subject to payment of cost of Rs. 5,000/- to be shared equally by the aforesaid witness.
3. Subsequently, on 18th January 2023, the MACT appointed a Local Commissioner for the purposes of recording evidence to be done by respondent no.2. A fee of Rs.4,000/- was directed to be paid to the Local



Commissioner at Rs.2,000/- for each witness, which had to be shared between respondent no.1 and respondent no.2 before the MACT.

4. On 07th February 2024, the MACT recorded that respondent no.2 had not made a payment to the Local Commissioner and, therefore, another cost of Rs.1,000/- was imposed on respondent no.2.

5. On 21st April 2025, the MACT again stated that both respondents were directed to pay the fee.

6. Ultimately, by the impugned order, the MACT has stated that the coercive action be taken, in case petitioner does not pay share of fees.

7. Mr. Goel, counsel for petitioner states that it is a matter of principle, that they should not have been held liable to pay part of the Local Commissioner's fees, since they had completed their cross-examination, and seeks a remand back to the Trial Court to reconsider this issue of liability to pay the fee.

8. To this extent, this Court is inclined to allow petitioner herein to persuade the Trial Court on these facts and circumstances, that they should not be liable to pay the Local Commissioner's fee, considering that they had already completed their cross-examination and not requested any further recording on their behalf.

9. Accordingly, the matter is remanded back to the Trial Court for reconsideration of this issue, in view of the submissions made by petitioner.

10. It would be open for petitioner to raise this issue before the MACT, which will pass a fresh order, without being influenced by the previous orders passed.

11. The petition is disposed of, accordingly.

12. Pending applications, if any, are also disposed of as being rendered



infructuous.

13. Copy of the order be given '*dasti*' under the signatures of the Court Master.

14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 20, 2026/MK